

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS**SHMUEL EISENBACH**

(b) County of Residence of First Listed Plaintiff **Montgomery**
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Lane J. Schiff, Esquire
Console Mattiacci Law LLC, 1525 Locust Street, 9th Floor
Philadelphia, PA 19102 215-545-7676

DEFENDANTS**ERNST & YOUNG U.S. LLP**

County of Residence of First Listed Defendant **Philadelphia**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. § 2000e, et seq. ("Title VII"); 29 U.S.C. § 2601, et seq. ("FMLA"); 43 P.S. § 951, et seq.; Philadelphia Fair Practices Ordinance, Phila. Code § 9-1101, et seq. ("PFPO").

Brief description of cause:

Plaintiff brings this action against his former employer for unlawful discrimination.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
in excess of \$75,000

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

April 20, 2018

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT

APPENDIX F

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: Penn Valley, PA 19072

Address of Defendant: 2005 Market Street, Philadelphia, PA 19103

Place of Accident, Incident or Transaction: _____
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☒
RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

I, Lane J. Schiff, Esquire, counsel of record do hereby certify:
(Check appropriate Category)

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs.

☒ Relief other than monetary damages is sought

DATE: April 20, 2018

Lane J. Schiff
Attorney-at-Law

314179

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: April 20, 2018

Lane J. Schiff, Esquire

314179

APPENDIX I

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIACASE MANAGEMENT TRACK DESIGNATION FORM

SHMUEL EISENBACH	:	CIVIL ACTION
	:	
	:	
v Plaintiff,	:	
	:	
ERNST & YOUNG U.S. LLP	:	
Defendant.	:	NO.

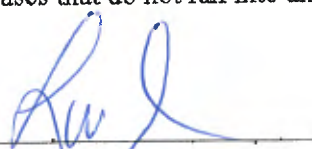
In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

April 20, 2018

Date


 Attorney-at-law

Lane J. Schiff, Esquire, Attorney for Shmuel Eisenbach

Attorney for Plaintiff

(215) 545-7676

Telephone

(215) 405-2964

FAX Number

schiff@consolelaw.com

E-Mail Address

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

SHMUEL EISENBACH
Penn Valley, PA 19072

Plaintiff,

v.

ERNST & YOUNG U.S. LLP
2005 Market Street
Philadelphia, PA 19103

Defendant.

CIVIL ACTION NO.

JURY TRIAL DEMANDED

CIVIL ACTION COMPLAINT

I. INTRODUCTION

Plaintiff, Shmuel Eisenbach, brings this action against his former employer, Ernst & Young U.S. LLP, for unlawful discrimination, in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* (“Title VII”), the Family and Medical Leave Act, 29 U.S.C. §2601, *et seq.* (“FMLA”), the Pennsylvania Human Relations Act, as amended, 43 P.S. §951, *et seq.* (hereinafter “PHRA”), and the Philadelphia Fair Practices Ordinance, Phila. Code §9-1101, *et seq.* (“PFPO”). Plaintiff seeks damages, including back-pay, front-pay, compensatory, punitive, liquidated, costs and attorneys’ fees, and all other relief that this Court deems appropriate.

II. PARTIES

1. Plaintiff, Shmuel Eisenbach, is an individual and a resident of the Commonwealth of Pennsylvania. He resides in Penn Valley, Pennsylvania.

2. At all times material hereto, Plaintiff was employed for at least twelve hundred and fifty (1,250) hours of service during the (12) month period preceding Defendant's decision to terminate his employment.

3. Defendant, Ernst & Young U.S. LLP, is a corporation, which is maintains a place of business in Philadelphia, Pennsylvania.

4. At all times material hereto, Defendant employed more than fifty (50) employees.

5. At all times material hereto, Defendant acted by and through their authorized agents, servants, workmen, and/or employees acting within the course and scope of their employment with Defendant and in furtherance of Defendant's business.

6. At all times material hereto, Defendant was an employer within the meanings of Title VII, the FMLA, PHRA, and PFPO.

7. At all times material hereto, Plaintiff was an employee within the meanings of Title VII, the FMLA, PHRA, and PFPO.

III. JURISDICTION AND VENUE

8. The causes of action that form the basis of this matter arise under Title VII, the FMLA, PHRA, and PFPO.

9. The District Court has jurisdiction over Count I (Title VII) and Count II (FMLA) pursuant to 28 U.S.C. §1331.

10. The District Court has supplemental jurisdiction over Count III (PHRA) and Court IV (PFPO) pursuant to 28 U.S.C. §1367.

11. Venue is proper in the District Court pursuant to 28 U.S.C. §1391(b) and 42 U.S.C. § 2000e-5(f).

12. On or about October 28, 2016, Plaintiff filed a Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”), complaining of the acts of discrimination alleged herein (“Charge”). Attached hereto, incorporated herein, and marked as Exhibit “A” is a true and correct copy of the EEOC Charge of Discrimination (with personal identifying information redacted).

13. On January 23, 2018, the EEOC issued to Plaintiff a Dismissal and Notice of Rights. Attached hereto, incorporated herein, and marked as Exhibit “B” is a true and correct copy of this notice (with minor redactions for purposes of electronic filing of confidential/identifying information).

14. Plaintiff is filing this complaint within ninety (90) days from his receipt of this notice.

15. Plaintiff has fully complied with all administrative prerequisites for the commencement of this action.

IV. FACTUAL ALLEGATIONS

16. Plaintiff worked for Defendant from in or about June of 2006 until on or about June 1, 2016, the date of his unlawful termination.

17. Plaintiff held the position of Senior Manager and consistently performed his job duties in a competent manner.

18. On February 7, 2016, Plaintiff’s wife gave birth to their child.

19. In connection with the birth of his child, Plaintiff took a leave of absence pursuant to the FMLA from February 8, 2016 through February 22, 2016.

20. On or about May 4, 2016, Plaintiff requested of Defendant to take an additional leave of absence pursuant to the FMLA, in connection with the birth of his child.

21. Merely six (6) days later, on or about May 10, 2016, Defendant informed Plaintiff that his employment had been terminated, effective June 1, 2016.

22. Defendant's articulated reason for Plaintiff's termination was poor performance.

23. However, Plaintiff had consistently received satisfactory performance reviews and had never been disciplined for his performance.

24. Defendant has not terminated other female Senior Managers who took a leave of absence in connection with the birth of a child.

25. Defendant's articulated reason for termination is a pretext.

26. Plaintiff's sex (male) was a motivating and/or determinative factor in the decision to terminate his employment.

27. Plaintiff's use of and/or request for protected leave under the FMLA was a motivating and/or determinative factor in connection with Defendant's decision to terminate Plaintiff's employment.

28. Defendant interfered with Plaintiff's ability to use protected leave.

29. Defendant retaliated against Plaintiff for using and/or requesting protected leave.

30. As a direct and proximate result of the unlawful conduct of Defendant complained of herein, Plaintiff has in the past incurred and in the future will incur a loss of earnings and/or earning capacity, loss of benefits, pain and suffering, embarrassment, humiliation, loss of self-esteem, mental anguish, and/or loss of life's pleasures, the full extent of which is not known at this time.

31. As a direct and proximate result of Defendant's unlawful behavior, Plaintiff has suffered the damages and losses set forth herein and has incurred attorneys' fees and costs.

32. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages as a result of the unlawful behavior complained of herein unless and until this Court grants the relief requested herein.

COUNT I – Title VII

33. Plaintiff incorporates herein by reference the paragraphs above, as if set forth herein in their entirety.

34. By committing the foregoing acts of discrimination against Plaintiff, Defendant violated Title VII.

35. Defendant acted with malice or a reckless indifference to Plaintiff's rights, thereby warranting the imposition of punitive damages.

36. As a direct and proximate result of Defendant's violation of Title VII, Plaintiff has suffered the injuries, damages, and losses set forth herein.

37. Plaintiff is entitled to all costs and attorneys' fees incurred as a result of the unlawful behavior complained of herein.

38. No previous application has been made for the relief requested herein.

COUNT II - FMLA

39. Plaintiff incorporates herein by reference the paragraphs above, as if set forth herein in their entirety.

40. By committing the foregoing acts against Plaintiff, Defendant violated the FMLA.

41. Defendant, by terminating Plaintiff for the use of and/or request for protected leave, has discriminated against Plaintiff, retaliated against Plaintiff, and interfered with Plaintiff's right to use protected leave, in violation of the FMLA.

42. Defendant knew and/or showed reckless disregard as to whether the foregoing acts were in violation of the FMLA, thereby warranting the imposition of liquidated damages.

43. As a direct and proximate result of Defendant's violation of the FMLA, Plaintiff has suffered the injuries, damages, and losses set forth herein.

44. Plaintiff is entitled to all costs and attorneys' fees incurred as a result of the unlawful behavior complained of herein.

45. No previous application has been made for the relief requested herein.

COUNT III – PHRA

46. Plaintiff incorporates herein by reference the paragraphs above, as if set forth herein in their entirety.

47. By committing the foregoing acts of discrimination against Plaintiff, Defendant's violated the PHRA.

48. As a direct and proximate result of Defendant's violation of the PHRA, Plaintiff has sustained the injuries, damages, and losses set forth herein.

49. Plaintiff is entitled to all costs and attorneys' fees incurred as a result of the unlawful behavior complained of herein.

50. No previous application has been made for the relief requested herein.

COUNT IV - PFPO

51. Plaintiff incorporates herein by reference the paragraphs above, as if set forth herein in their entirety.

52. By committing the foregoing acts of discrimination against Plaintiff, Defendant has violated the PFPO.

53. Defendant acted willfully and intentionally, and with malice and/or reckless indifference to Plaintiff's rights, thereby warranting the imposition of punitive damages.

54. As a direct and proximate result of Defendant's violation of the PFPO, Plaintiff has sustained the injuries, damages, and losses set forth herein.

55. Plaintiff is entitled to all costs and attorneys' fees incurred as a result of the unlawful behavior complained of herein.

56. No previous application has been made for the relief requested herein.

RELIEF

WHEREFORE, Plaintiff seeks damages and legal and equitable relief in connection with Defendant's improper conduct, and specifically prays that the Court grant the following relief to the Plaintiff by:

- a. declaring the acts and practices complained of herein to be a violation of the Title VII;
- b. declaring the acts and practices complained of herein to be a violation of the FMLA;
- c. declaring the acts and practices complained of herein to be in violation of the PHRA;
- d. declaring the acts and practices complained of herein to be in violation of the PFPO;
- e. enjoining and restraining permanently the violations alleged herein;
- f. awarding Plaintiff back-pay;
- g. awarding Plaintiff front-pay;
- h. awarding interest;

- i. awarding compensatory damages to Plaintiff for past and future emotional upset and pain and suffering;
- j. awarding liquidated damages;
- k. awarding punitive damages;
- l. awarding Plaintiff the costs of this action, together with reasonable attorneys' fees;
- m. awarding Plaintiff such other damages as are appropriate under Title VII, the FMLA, PHRA, and PFPO; and
- n. granting such other and further relief as this Court deems appropriate.

CONSOLE MATTIACCI LAW

Date: April 20, 2018

By:



STEPHEN G. CONSOLE
LANE J. SCHIFF
1525 Locust Street
Philadelphia, PA 19102
(215) 545-7676
(215) 405-2964 (fax)

Attorneys for Plaintiff,
Shmuel Eisenbach

EXHIBIT A

530-2017-00748

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974; See privacy statement before consolidating this form.		AGENCY FEPA <input checked="" type="checkbox"/> EEOC	CHARGE NUMBER
STATE OR LOCAL AGENCY: PHRC			
NAME (Indicate Mr., Ms., Mrs.) Shmuel Eisenbach		HOME TELEPHONE NUMBER (Include Area Code) [REDACTED]	
STREET ADDRESS [REDACTED]		CITY, STATE AND ZIP Penn Valley, PA 19072	DATE OF BIRTH [REDACTED]
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP, COMMITTEE, STATE OF LOCAL GOVERNMENT WHO DISCRIMINATED AGAINST ME (If more than one than list below)			
NAME Ernst & Young U.S. LLP		NUMBER OF EMPLOYEES 100+	TELEPHONE (Include Area Code)
STREET ADDRESS 2005 Market St.		CITY, STATE AND ZIP Philadelphia, PA 19103	COUNTY Philadelphia
CAUSE OF DISCRIMINATION (Check appropriate box(es)) Race Color <input checked="" type="checkbox"/> Sex Religion National Origin Retaliation Age Disability Other (Specify)		DATE DISCRIMINATION TOOK PLACE Earliest Latest June 1, 2006	
<p>THE PARTICULARS ARE:</p> <p>A. 1. I worked for Respondent from June of 2006 until June 1, 2016, the date of my unlawful termination. I held the position of Senior Manager and consistently performed my job duties in a competent manner.</p> <p>2. Respondent has discriminated against based on my sex (male). Evidence of Respondent's unlawful conduct includes, but is not limited to the following:</p> <p>a) On February 7, 2016, my wife gave birth to our child. I informed Respondent of the same.</p> <p>b) In connection with the birth of my child, on May 4, 2016, I requested to take a leave of absence pursuant to the Family Medical Leave Act, 29 U.S.C. §2601 <i>et seq.</i> ("FMLA").</p> <p>c) I informed Respondent of the same.</p> <p>d) Merely six (6) days later, on or about May 10, 2016, Respondent informed me that my employment had been terminated, effective June 1, 2016.</p>			
<input checked="" type="checkbox"/> I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - (when necessary for State and Local Requirements) I swear or affirm that I have read the above charge and that it is true to the best of my knowledge information and belief.	
I declare under penalty or perjury that the foregoing is true and correct.			
Date: 10/22/16 Charging Party (Signature) [Signature]		SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day Month and year)	

 RECEIVED
 16 OCT 28 PM 2:51
 FEDERAL BUREAU OF INVESTIGATION
 U.S. DEPARTMENT OF JUSTICE

EEOC Charge of Discrimination
Page 2 of 2

- e) Respondent's articulated reason for my termination was poor performance. However, I never received a negative performance rating. Furthermore, I had never been placed on a performance improvement plan.
- f) Respondent has not terminated other female Senior Managers who took a leave of absence in connection with the birth of a child, including Rebecca Pellini.

B. Respondent's Stated Reasons

1) Respondent's stated reason for the termination of my employment is a pretext for discrimination.

C. I believe that Respondent has discriminated against me based on my sex (male) in violation of Title VII of the Civil Rights Act of 1964, as amended 42 U.S.C. § 2000e, *et seq.* ("Title VII") as set forth herein. Respondent further terminated me in violation of the FMLA.

INFORMATION FOR COMPLAINANTS & ELECTION OPTION
TO DUAL FILE WITH THE
PENNSYLVANIA HUMAN RELATIONS COMMISSION

Shmuel Eisenbach v. Ernst & Young U.S. LLP

EEOC No. 530-2017-00748

You have the right to file this charge of discrimination with the Pennsylvania Human Relations Commission (PHRC) under the Pennsylvania Human Relations Act. Filing your charge with PHRC protects your state rights, especially since there may be circumstances in which state and federal laws and procedures vary in a manner which would affect the outcome of your case.

Complaints filed with the PHRC must be filed within 180 days of the act(s) which you believe are unlawful discrimination. If PHRC determines that your PHRC complaint is untimely, it will be dismissed.

If you want your charge filed with the PHRC, including this form as part of your EEOC charge, with your signature under the verification below, will constitute filing with the PHRC. You have chosen EEOC to investigate your complaint, so PHRC will not investigate it and, in most cases, will accept EEOC's finding. If you disagree with PHRC's adoption of EEOC's finding, you will have the chance to file a request for preliminary hearing with PHRC.

Since you have chosen to file your charge first with EEOC, making it the primary investigatory agency, the Respondent will not be required to file an answer with PHRC, and no other action with PHRC is required by either party, unless/until otherwise notified by PHRC.

If your case is still pending with PHRC after one year from filing with PHRC, you have the right to file your complaint in state court. PHRC will inform you of these rights and obligations at that time.

[Sign and date appropriate request below]

X I want my charge filed with PHRC. I hereby incorporate this form and the verification below into the attached EEOC complaint form and file it as my PHRC complaint. I request EEOC to transmit it to PHRC.

X I understand that false statements in this complaint are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

X

Signature and Date

10/28/16

 I do not want my charge dual filed with PHRC

Signature and Date

RECEIVED
16 OCT 28 PM 2:58
EEOC
16 OCT 28 PM 2:58

EXHIBIT B

EEOC Form 161-B (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Shmuel Eisenbach**

Penn Valley, PA 19072

From: Philadelphia District Office
 801 Market Street
 Suite 1300
 Philadelphia, PA 19107

☐

On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

530-2017-00748

Legal Unit,
Legal Technician

(215) 440-2828

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

☒

More than 180 days have passed since the filing of this charge.

☐

Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.

☒

The EEOC is terminating its processing of this charge.

☐

The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

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The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.

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The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



Jamie R. Williamson,
District Director

1/23/18
 (Date Mailed)

Enclosures(s)

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